

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

LETTRICIA L. RIVAS,

Plaintiff,

v.

HOLIDAY FINANCE
CORPORATION,

Defendant.

Case No. 7:21-cv-00455

Honorable Ricardo H. Hinojosa

**PLAINTIFF'S MOTION FOR EXTENSION OF TIME TO FILE DISMISSAL PAPERS
AND TO VACATE STATUS HEARING**

NOW COMES LETTRICIA L. RIVAS (“Plaintiff”), by and through her undersigned counsel, moving this Honorable Court for an extension of time to file dismissal papers in connection with the settlement reached with Defendant HOLIDAY FINANCE CORPORATION (“Defendant”) and strike the April 21, 2022 status hearing, and in support thereof, stating as follows:

1. Plaintiff and Defendant (collectively, the “parties”) reached a settlement and have memorialized the terms of the settlement.
2. On February 9, 2022, Plaintiff filed a Notice of Settlement. [Dkt. 15]
3. On February 10, 2022, the Court entered an order requiring the parties to file dismissal papers in connection with the settlement by April 11, 2022.
4. The Defendant has yet to satisfy its respective obligations as prescribed by the terms of the parties’ agreement.
5. Specifically, despite a request by Plaintiff’s counsel to Defendant’s counsel to submit a draft settlement agreement, Defendant did not submit one.

6. On March 14, 2022, Plaintiff's counsel prepared and sent a draft settlement agreement to Defendant's counsel via email for review and/or approval.

7. To date, Defendant's counsel has not responded to Plaintiff's counsel's March 14, 2022 email or otherwise make any effort to consummate the settlement.

8. If Defendant's counsel does not take any action to consummate the settlement by April 25, 2022, Plaintiff intends on withdrawing the Notice of Settlement and proceeding with the case.

9. Based on the foregoing, the parties need an additional 60 days, through June 10, 2022, to consummate the settlement and file dismissal papers.

10. Plaintiff also requests that the Court vacate the status hearing set for April 21, 2022 or in the alternative allow Plaintiff's counsel to appear telephonically. This request is made in an effort to keep the costs of litigation as low as possible.

WHEREFORE, Plaintiff respectfully requests the Court to enter an order (1) extending the deadline to file dismissal papers through June 10, 2022, and (2) strike the April 21, 2022 status hearing or in the alternative allow Plaintiff's counsel to appear telephonically.

Dated: April 11, 2022

Respectfully submitted,

/s/ Mohammed O. Badwan

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CERTIFICATE OF SERVICE

I, Mohammed O. Badwan, certify that on April 11, 2022, the foregoing document was filed electronically using the Court's CM/ECF system, which will accomplish service on all counsel of record.

/s/ *Mohammed O. Badwan*